

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**DECEMBER 21, 2015**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**6:45 P.M.**

## **OPEN FORUM**

### **APRA Requests**

**Stephen Vowels submitted an APRA request for mileage reports of town vehicles and time sheets for the Town Administrator and the Finance Director because of comments from residents regarding abuses at Town Hall of policies and procedures. He had been told that the Town Administrator had taken a lengthy trip out of state with the town vehicle on personal business and that is in conflict with the Town Charter. Mr. Vowels feels there is an attempt to cover up actual mileage. He provided information on a few other instances, including attending Mayoral Academy meetings on town time, that he did not feel were proper.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted 4 to 0 on a roll call vote at 7:00 P.M. to continue the Open Forum until 7:30 P.M.**

**Mr. Vowels hoped that there would be some type of checks and balances on time sheets and mileage reports. He suggested that Council members check the mileage on Ms. Hamilton's vehicle this evening.**

**Mr. Vowels added that he was dismayed that he and Mr. Tony Guertin**

were the only people who had been requested to make a prepayment for copies and especially because he was given ancillary information that he did not request.

Mr. Michael Clifford commented that he also was required to make a prepayment for school department records.

#### **Pumping of Gas by Bus Company**

Michael Clifford has learned that school bus drivers are pumping their own gas at the highway barn. He questioned if the pump has a fire suppression system and is concerned that the Town could be liable should something happen.

#### **REGULAR MEETING**

The meeting began at 7:13 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Soly, Mr. Zwolenski and Mr. Boucher. Also in attendance were Town Administrator Hamilton and Town Solicitor Igliozi.

#### **OUTDOOR SOUND SYSTEM - M. Gomes**

**MOTION** by Mr. Boucher, seconded by Mr. Soly, and voted unanimously on a roll call vote to move this item up on the agenda.

As Ms. Gomes was not present, **MOTION** by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to table this matter.

## **PURCHASE OF MOBILE COMPUTERS**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve the purchase of ten Getac Rugged Tablets (mobile units) for the Police Department in the amount of \$37,590.00.**

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## **PURCHASE OF POLICE CRUISER**

**MOTION by Mr. Zwolenski and seconded by Mrs. Nadeau to approve \$42,115 for the purchase of a North Smithfield Police Department vehicle. This motion and second were withdrawn as the department was here seeking permission to go out to bid.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to authorize Mr. Parmelee and the North Smithfield Police Department to go out to bid for a vehicle.**

## **REQUEST FOR 24-HOUR OPENING - C T GAS**

**Mr. Toni Germanos, manager and co-owner of the C T Gas Station located at 503 Smithfield Road, appeared before the Council once again to request that he be allowed to open 24 hours. He noted that a Cumberland Farms is scheduled to be built across the street from**

him in Woonsocket which will be open 24 hours. Mr. Germanos fears this will cause him to lose business. He also believes being open 24 hours will reduce break-ins at his place of business.

Mr. Soly asked if his direct neighbors would be in favor of his 24-hour opening and he would like to hear their thoughts.

Mr. Zwolenski agreed.

**MOTION** by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to schedule and advertise a public hearing on this matter on January 19, 2016.

#### **SECONDHAND DEALER'S LICENSE - LULU'S KRAZY DAISY**

**MOTION** by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve a secondhand dealer's license to Laurie Villiard for Lulu's Krazy Daisy.

#### **PROPOSED CHARTER AMENDMENT TOWN ADMINISTRATOR/TOWN MANAGER**

Kristen Fontaine, a recent North Smithfield High School graduate, strongly believed the proposal for a hired Town Manager kills democracy; it does not allow residents to vote for their own officials.

Mr. Boucher commented that this new proposal is much better than one that what was proposed in 2010. It has cleared up a number of

**poorly written sections.**

**Mrs. Nadeau disagreed with Ms. Fontaine because having the question on a ballot is democracy.**

**Mr. Soly was concerned with having this question on a ballot at an election where there would be few voters. He had asked the Town Clerk to provide the voter turnout for the last several elections. Although some elections were very low, Mr. Soly thought there might be a larger number voting this April just because of the interest in this year's races.**

**Carol Drainville is concerned about how this would affect the School Committee membership. The Council would have carte blanche. That's not democracy.**

**Following questioning from Mr. Soly, Mr. Iglioizzi commented that if electors vote for a Town Manager, the Charter would have to be reviewed in its entirety and appropriate changes made.**

**Douglas Hadden was shocked to read that change was being considered for the fundamental form of government of the town. Quoting Thomas Jefferson, Mr. Hadden stated a government derives its just powers from the consent of the governed. The election should be held in the fall to get a really good reading on the question.**

**Dan Geer has lived under the rule of a City Manager type of government. Over the long haul the manager captures the Council. The balance of power eventually goes to those with seniority. It will be the manager.**

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**Mike Regan stated that transparency is clearly needed. The town is a \$40 million business but is not run that way. Requirements and expectations for a town manager should be clearly stated. Feels this is being forced down voters' throats if the process is rushed and put on the April ballot.**

**Paul Soares noted that this question calls for a manager to be appointed by three Council members. He suggested that it require approval by either a unanimous vote or by a super majority of the members.**

**George Dys does not like appointments. This question should be on a regular ballot and it would be unethical to put it on a primary ballot.**

**Anthony Guertin questioned why this matter was coming up again. The last time it was brought forth, the question was poorly written and still is. It is way too subjective. He feels democracy is slowly but surely being diminished in North Smithfield.**

**Roger Fontaine has listened to people complaining about the wording. He feels it has not been vetted properly. Mr. Fontaine agrees that a manager should be selected unanimously by the Council. A majority of the people should determine passage and not just a majority of the voters.**

**Michael Rapko stated the Town needs someone with professional skills to run the daily operations. He also changed his position and now thinks that having a super majority vote of the Council would be better in selecting a manager. Mr. Rapko felt the language regarding renewal of a contract should be amended so that it could be extended more than three years. In the absence of the Town Manager, the Acting Town Manager should be the Finance Director or a qualified town employee.**

**John Flaherty would like to see the public hearing process continue. He agrees with a super majority vote. Mr. Flaherty still feels it would be in the town's best interest to have a town manager. It concerns him that more residents did not attend this public hearing but voter turnout should not be a reason to postpone a vote.**

**Elizabeth Faricy stated the complexity of the job requires a manager. She personally had seven three-year terms as a town manager in West Bridgewater, Massachusetts. This provided continuity. Mrs. Faricy asked the Council members to consider putting the question on a ballot.**

**Michael Clifford asked that the timeline be checked to see if putting the question on the April election is feasible. The complete document has to be reviewed and put in proper format to go to the General Assembly. If the question is placed on the ballot of November 2016, it could dissuade people from running for Town Administrator.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to ask the Town Solicitor to follow up on timelines with the Secretary of State to see if the Charter amendment can be placed on the April ballot.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to accept written amendments to the proposed Charter question and to continue the public hearing to January 4, 2016.**

#### **OUTDOOR SOUND PERMIT - M. GOMES**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote to reconsider the request of Maria Gomes for an outdoor sound system permit since she was now present.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve an outdoor sound system permit for Maria Gomes at 654 Greenville Road with an ending time of**



**10:00 P.M. instead of 12:00 A.M. and contingent upon approval from the School Committee allowing parking at a school property.**

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### **SCHOOL COMMITTEE PLAN FOR USE OF SURPLUS FUNDS**

**MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue this to February 1, 2016.**

### **PUBLIC HEARING ZONING ORDINANCE AMENDMENT SECTION 5.7 GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue the public hearing to February 16, 2016.**

### **CONSENT AGENDA**

**MOTION by Mr. Boucher, seconded by Mr. Soly and Mr. Zwolenski, and voted unanimously on a roll call vote to accept the following: 1.) Town Council minutes of November 2, 2015; 2.) Budget Committee minutes of September 21 and October 22 & 30, 2015; 3.) Conservation Commission minutes of September 8 and November 10, 2015; 4.) Personnel Board minutes of August 24, September 14 and October 20, 2015; 5.) Animal Control monthly report for November 2015; 6.) NS Municipal Court monthly report for November 2015; 7.) NSPD monthly report for November 2015; and 8.) Resolution Re: Blasting from the Town of Charlestown.**

## **Payment of Bills**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve payment of the following based upon the recommendations of the Finance Director and the Town Administrator: General Fund - \$509,847.61; Sewer - \$76,620.65; Water - \$14,809.99; School Department - \$1,553,518.58; and Fire Department - \$214,090.00 for a total of \$2,294,497.25.**

**Mr. Boucher recused himself from voting on the payments to Brigido's and to Richard Garrepy.**

## **AGREEMENT AMENDMENT WITH ENERGY PROJECTS CONSULTANT - J. Dash**

**Consultant Julian Dash noted the following section of the existing Agreement dated October 22, 2015 between Clean Economy Development, LLC and the Town of North Smithfield, RI is amended to include the following: Fees - An amount equivalent to 10.00%\* of the total value of project financing\*\* directly secured by CED's activities for new renewable energy projects on behalf of the Town CED. Excluded from this calculation will be any funding that has been secured by the actions of others. Fees for this service shall be paid on the following schedule: 50% of Fee: Upon closing on project financing for approved Projects. Balance of Fee: Upon successful completion and operation of approved Projects.**

**\* Included in Fees shall be all costs associated with the**

**administrative functions and filing requirements, including any on-going annual filing requirements, associated with said project financing.**

**\*\* Project Financing shall be equal to the total value of grants and/or other non-recourse, direct funding secured for renewable energy projects on behalf of the Town. CED shall only pursue such financing sources, at the request of the Town.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve the amended Professional Services Agreement with corrected dates of December 21, 2015 and to authorize the Town Administrator to sign the document.**

#### **APPOINTMENT TO BUDGET COMMITTEE**

**MOTION by Mr. Soly, seconded by Mrs. Nadeau, and voted unanimously on an a roll call vote to appoint Walter Casper. This is a three-year term that expires December 1, 2018.**

#### **APPOINTMENT OF SECOND ALTERNATE TO ZONING BOARD**

**MOTION by Mr. Soly and seconded by Mr. Zwolenski to appoint Paul Pasquariello.**

**MOTION by Mrs. Nadeau and seconded by Mr. Zwolenski to appoint Patrick Dowling, Jr.**

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**Roll call vote on Mr. Pasquariello: Ms. Alves - yes; Mrs. Nadeau - no; Mr. Soly - yes; Mr. Zwolenski - yes; Mr. Boucher - no. The motion carried 3 to 2.**

**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote at 10:00 P.M. to extend the meeting to 10:15 P.M.**

#### **DONATED TIME FOR PUMPKINFEST**

**Mr. Parmelee had not received any information on this from the Pumpkinfest Chairwoman.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on an aye vote to table this matter to February 1, 2016.**

#### **ABATEMENTS**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to approve abatements in the amount of \$19,392.66.**

#### **TAX FREEZE ANALYSIS**

**Assistant Finance Director Jerianne Nunes was tasked with entering all the tax freeze corrections that had been approved by the Council.**

**In doing so she came across a mistake.**

**MOTION by Mr. Soly, seconded by Mr. Boucher and Mr. Zwolenski, and voted unanimously on a roll call vote to accept the correction of \$157.95 which was abated from the account on September 19, 2013.**

#### **AGREEMENT WITH LL DATA DESIGNS LLC**

**MOTION by Mrs. Nadeau, seconded by Mr. Soly, and voted unanimously on a roll call vote to approve the annual maintenance contract with LL Data Designs LLC for the probate software in the amount of \$295.00.**

#### **EXECUTIVE SESSION**

**MOTION by Mr. Soly, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to enter into executive session at 10:06 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation to discuss potential litigation.**

**MOTION by Mr. Soly, seconded by Mr. Zwolenski, and voted unanimously on an aye vote at 10:08 P.M. to extend the meeting to 10:30 P.M.**

**MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on an aye vote to come out of executive session at 10:47 P.M. and to seal the minutes. No motions were made and no**

**votes were taken.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote to adjourn at 10:47 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**